

Sanctuary Advisory Council
Thirty-fourth Meeting
Wednesday, February 11, 2004
8:30 a.m. to 3:00 p.m.
Honolulu International Airport
Inter-island Conference Center, 7th Floor

FINAL MINUTES

Attendance

Primary Council Members Present: Jim Coon, Liz Corbin, Bill Friedl, Walter Haas, June Harrigan Lum, Lou Herman, Becky Hommon, Kimokeo Kapahulehua, Eric Kingma, Marc Lammers, Jack Laufer, Teri Leicher, Naomi McIntosh, Patty Miller, Terry O'Halloran, Sara Peck, Dick Poirier, John Reghi, Glenn Soma, Mike Stanton, Jeff Walters, Reg White, Bob Wilson.

Alternate Council Members Present: Andy Collins (for Robert Smith), Mary Donohue, Duane Erway, Michele Kayal, Sarah Malloy (for Margaret Akamine), Terry Rice.

Excused: Margaret Akamine, Athline Clark, Nancy Daschbach, Bill Lennan, Richard McCarty, Jerry Norris, Robert Smith.

Others Present:

HIHWNMS: Keeley Belva, David Nichols, Joylynn Oliveira.

PUBLIC: Susan Harper, Kevin Killeen, Barbara Love, Adam Pack.

Distributed Materials

- Final Agenda
- Final Meeting Minutes (09/30/03)
- Meeting Action Items
- Sanctuary Manager's Report
- State Co-Manager's Report
- Hawai'i County Report
- Honolulu County Report
- Kaua'i County Report
- Research Committee Report
- Sanctuary Advisory Council Action Plan 2004
- Whale/Vessel Collision Avoidance Working Group Report
- Roles of the Council Handouts
- HIHWNMS Staff Directory
- Council Member Directory
- *Ka Leo O Ke Koholā* – HIHWNMS Sanctuary Newsletter
- *Sanctuary Watch* – NMSP Newsletter

Call to Order

Sanctuary Advisory Council (Council) Chair, Jim Coon, called the meeting to order at 8:30 a.m. Sara Peck began the meeting by taking roll.

Approval of Meeting Minutes

Jim Coon made a motion that the minutes from the September 30, 2003 Council meeting be approved. The motion carried unanimously.

Public Forum

Barbara Love stated that she was interested in learning more about the operations of the Sanctuary. Adam Pack attended as part of the Vessel-Whale Collision Avoidance Working Group, Susan Harper is affiliated with the U.S. Coast Guard, and Kevin Killeen also attended.

Discussion on Reports and Updates

Council Chair:

Jim Coon, Council Chair, reviewed the Action Items Status Report (see attachment # 1) and highlighted a few items.

Sanctuary Manager:

Naomi McIntosh submitted a written report (see attachment # 2). She welcomed the new council members and highlighted upcoming dates in the Sanctuary's calendar of events.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment #3) and mentioned that the state was preparing statements on a Bill that has been proposed to the Hawai'i state legislature regarding dolphin watching in state waters (HB 2627, SB 2437). Another Bill being considered by the State Legislature will address cruise ship wastewater discharge in state waters. June Harrigan Lum said that Department of Health, as a State agency, was opposed to the Bill because there is a requirement in the Clean Water Act mandating that states build pump-out facilities and establish no-discharge zones before treated sewage discharges from all vessels can be prohibited in state waters. Ms. Harrigan Lum explained that the most recent version of the bill, SB 3116, SD2, now includes only "gray-water" such as laundry water or kitchen water, air emissions, and non-sewage wastes. Terry O'Halloran requested that the Council be regularly updated on any bills affecting sanctuary waters. Dr. Walters said that he usually includes updates in his report to the Council and that he will continue to do so regularly. Dr. Walters also mentioned that the state is involved in a legal case regarding regulations for parasailing. Mr. Coon asked what viewpoint the Council should take with these issues as this meeting is the only one that is applicable to the legislative session. He also mentioned that the

letter from the Council regarding pump-out stations in small harbors was sent to Governor Lingle and she talked about it in the State of the State address.

Conservation Committee:

Dr. Louis Herman, Conservation Committee Chair, had nothing to report.

Research Committee:

Dr. Marc Lammers, Research Committee Chair, submitted a written report (see Attachment #4).

Education Committee:

Patty Miller, Education Committee Chair had nothing to report.

Honolulu County:

Bill Friedl, Honolulu County Representative had nothing to report.

Kaua'i County:

Kaua'i County Representative, Dr. Walter Haas, submitted a written report. (see Attachment #5) He also noted that David Mattila would be giving a lecture on Kaua'i.

Maui County:

Richard McCarty, Maui County Representative was not present and no report was submitted.

Hawai'i County:

Hawai'i County Representative, Sara Peck, submitted a written report for this meeting as well as for the previous meeting (see Attachments #6 and #7).

Vessel-Whale Collision Avoidance Working Group:

Terry O'Halloran and Adam Pack, Working Group Co-Chairs, submitted recommendations for the Council's review (see Attachment #8).

Boater Outreach Working Group:

Reg White, Working Group Chair, had nothing to report.

Naturalist Training and Certification Working Group:

Teri Leicher, Working Group Chair, had nothing to report.

Logo Working Group:

Dick Poirier, Working Group Chair, had nothing to report.

Unfinished Business

- A. The resolution thanking Claire Cappelle was adopted unanimously.
The resolution thanking Amy Glester was adopted unanimously.

- B. The topic of the Council's stance on cruise ship discharge was referred back to Conservation Committee at the last meeting, and there were no updates.
- C. The draft report on the proceedings from the Vessel Collision Avoidance Workshop was briefly discussed by Ms. McIntosh—she mentioned that the draft was still missing some appendices and that the council would have a chance to review and discuss the draft later in the meeting. Ms. McIntosh reviewed the process of compiling the report and a deadline was set for Feb 18, 2004 for all comments from council members regarding changes to the report. Becky Hommon suggested that the *Conclusion* should be duplicated to the *Executive Summary*.

New Business

- A. Legislative Issues
 - a. Cruise Ship discharge—it was decided that this topic be monitored and could be discussed in the future.
 - b. Dolphin Watching—The Bill (HB 2627, SB 2437) proposes that the state would be able to “regulate ocean activities” which could include the permitting of dolphin watching tours. Discussion followed relating to whether Dr. Walters stated that in applications for the Waianae Coast, the definition of “dolphin watching” includes whales. More discussion followed and Mr. Coon proposed that the Council send a letter expressing their concern about the bill. It was determined that the letter should include the following: “HB 2627, SB 2437 has come to our attention and we view with concern that the state is moving forward with this activity, we encourage that the legislature seek out experts on this issue before taking precipitous action.” Mr. Coon motioned to adopt this as a resolution. Terry O'Halloran seconded the motion. The Council voted: ayes—8, nays—7. The motion failed for lack of a quorum.
 - c. High-speed Ferries—It was determined that this issue would be discussed during the Committee of a Whole part of the meeting.
 - d. Recommendations from the Vessel-Whale Collision Avoidance (VWCA) Working Group—Mr. O'Halloran motioned that the Council approve the recommendations from the VWCA Working Group. Discussion on the role that the Council should play in the implementation of the recommendations ensued. The motion passed unanimously. Sarah Malloy said that National Marine Fisheries Service already has a database on vessel collisions.

Public Forum

There were no comments from members of the public.

Announcements

- Captain Reg White will be representing the Council at the National Marine Sanctuaries Advisory Council Coordinators and Chairs meeting that will be held February 23-27, 2004 in Savannah, GA. He presenting the Vessel Collision Avoidance Workshop proceedings and recommendations that the Council has made.
- Patty Miller will be resigning from the Education Primary Representative because she has accepted a position with the Sanctuary as the Maui Site Coordinator.
- The Sanctuary has a window display at Borders stores on O`ahu—the display is up at the Ward store and will be on display until the end of February, and will move to the Waikale store in March.
- Mr. Coon reviewed the Action Item Report.

Adjournment

Council Chair, Jim Coon, adjourned the meeting at 10:40 a.m.

Committee of the Whole

The Committee of the Whole was called to order at 10:45 a.m. The following items were discussed:

COUNCIL RETREAT

Mr. Coon thanked everyone for attending the retreat. Ms. McIntosh reviewed the retreat report. She pointed out that we have already implemented some of the recommendations from the report including the new meeting structure. There was discussion on the structure. It was said that establishing a quorum is sometimes hindering decision making of the Council. Dr. Haas suggested that future retreats have a historical point of view in order to bring everyone up to speed.

VESSEL-WHALE RECOMMENDATIONS

Bill Friedl asked about the status of the threat reports that Lou Herman wrote. Ms. McIntosh said that the contract has not been completed, so the reports are currently in draft format. Dr. Herman stressed that the timing of the reports are important, and it would be valuable for everyone to have it in a timely manner—soon. **ACTION:** The draft reports will be provided to the entire Council.

Discussion continued regarding recent vessel-whale interactions. Becky Hommon motioned that the recovery plan for the humpback whale be updated. The recovery plan was written in 1991.

Committee of a Whole was adjourned at 12:20 p.m. and it was decided that the Council would re-convene following the presentation.

Presentation

Terry White from Hawai'i Super Ferry gave a presentation to the Council regarding proposed plans for a high-speed inter-island ferry.

Advisory Council Meeting

The meeting was re-convened at 1:15 p.m.

Dr. Haas suggested that it is important to have a committee to look at including resources that are significant for inclusion in the Sanctuary using the guidelines in the Organic Act. Dr. Herman brought up the fact that eventually, there may be the possibility of having humpbacks taken off the endangered list. The Council recommended that Dr. Haas' suggestion be passed to the management to come up with guidelines of what they would like to see the Council do. Dr. Haas motioned to create a Sanctuary Change Committee to assist the Sanctuary in the identification of marine resources and ecosystems of national significance to include in the sanctuary. It was seconded by Ms. Harrigan Lum and carried unanimously.

Reg White presented a diagram showing where whales should be approached from and where they should not be. He suggested that it be made into a sticker for kayak paddles and boats. Terry O'Halloran made a motion to accept the diagram and allow the working group to make any changes needed to make it work.

Mr. White also presented draft guidelines as how to operate in the area of whales for commercial vessels. The guidelines are in draft form at this time and Mr. White would like permission to continue with developing it. Mr. O'Halloran made a motion to modify document. The motions were unanimously accepted. The motion was then modified to say that the Boater Outreach Working Group could make changes in order to make the document most effective, and then implement it without further Council approval.

Dr. Walters has some money from the state that could be used to produce outreach products (stickers, flyers, etc.) and can use it for printing. He said that it was a possibility that it could be done by the end of this season. It was recommended that rather than rush the production of these materials, it may be better to wait for the following season to put out a higher quality product. The urgency of completing the product resulted from the recent whale strikes that have occurred within the past several months in Hawai'i.

Mr. O'Halloran made a motion to ask Hawai'i Department of Land and Natural Resources to issue immediate advisories regarding vessel-whale collisions. Motion accepted.

It was suggested that it was time to review and update the 1991 Humpback Whale Recovery Plan. Everyone agreed. Dr. Haas made a motion to revise the Humpback Whale Recovery Plan; the motion was seconded and passed unanimously. Dr. Walters pointed out that the information collected from the SPLASH (Structures of Population, Levels of Abundance, and Status of Humpbacks) research project could be used to update the plan. It was decided to wait so that the SPLASH information could be included in the updated plan.

Adjournment to Committee Meetings

Conservation, Education, and Research Committees held meetings from 1:00-3:00 p.m.

ATTACHMENTS

Attachment # 1

Hawaiian Islands Humpback Whale National Marine Sanctuary SANCTUARY ADVISORY COUNCIL

FEBRUARY COUNCIL MEETING ACTION ITEMS **Status Report**

ACTION: The Council will write a letter in support of pump out stations in Lahaina, Maui.

STATUS: The letter has been sent to Governor Lingle via Naomi McIntosh.

ACTION: The Council would like the Sanctuary to address the issue of sponsorship and use of the NMS logo.

STATUS: A resolution was passed at the previous meeting and sent to Sanctuary management.

ACTION: The Conservation Committee recommended that the Council draft a letter regarding regular monitoring of waste water systems for cruise ships.

STATUS: The Conservation Committee will draft a letter requesting regular monitoring that includes testing for water quality.

ACTION: The Council suggested that a letter be written stating the Council's position on the use of Fish Farms.

STATUS: This issue was referred back to the Conservation Committee.

ACTION: The Vessel Collision Working Group was to address items since the workshop that was held in September.

STATUS: Bill Friedl resigned from chairing the working group, but said that he would work with Sanctuary staff to make the proceedings from the workshop available.

STATUS: A motion passed to ask Jack Laufer and Reg White to co-chair the working group, later in the meeting the motion was replaced by a new motion that the working group would be co-chaired by Terry O'Halloran and Adam Pack.

STATUS: Becky Hommon organized the Council's recommendations that were developed and distributed during the September meeting.

ACTION: The Council requested to see a copy of the annual operating budget by November 1, 2003 in order to review it prior to the Council retreat.

STATUS: The budget was provided to the Council prior to the retreat and discussed in more detail at the retreat.

ACTION: The Council suggested that resolutions would be drafted to Claire Cappelle and Amy Glester thanking them for their services with the Sanctuary.

STATUS: Both resolutions have been drafted.

Attachment # 2

Hawaiian Islands Humpback Whale NMS Sanctuary Advisory Council Meeting

Sanctuary Managers Report: HIHWNMS Updates

Council Updates

COUNCIL SELECTION

The HIHWNMS is submitting its recommendations for the selection of new members for the Kauai County, Maui County, Education, and Fishing alternate seats, and Native Hawaiian primary and alternate representatives seats to Dan Basta, Director of the NMSP for review and approval. The HIHWNMS will announce the new selections at the next SAC meeting in April.

A special thank you to SAC members Teri Leicher for helping the Sanctuary with the Ocean Count training on the Big Island, to Capt. Reg White for hosting the SAC during the Retreat on the Star of Honolulu, to Sara Peck allowing the Sanctuary to be a co-sponsor for the "Reef Talks" Lecture Series, and to Patty Miller for her help with the

“Dive into Education” Workshops and the content development for the humpback whale kiosk.

VESSEL COLLISION AVOIDANCE WORKSHOP REPORT

A draft summary report of the Hawaiian Humpback Whale National Marine Sanctuary Advisory Council sponsored workshop -- "A Workshop on Management Needs to Minimize Vessel Collisions with Whales in the Hawaiian Humpback Whale National Marine Sanctuary and other Marine Sanctuaries" is ready for the SAC's review and acceptance. The workshop was held on Maui, September 3-5, 2003 at the Outrigger/Marriott Wailea.

Program Highlights

EDUCATION AND OUTREACH

Accomplishments

Sanctuary staff continued to build the Sanctuary's profile in education and outreach by participating in a wide diversity of activities. Efforts included supporting local community efforts, visiting local schools, providing training for the Sanctuary volunteers and preparing for this year's Ocean Count.

- In November, Sanctuary staff and volunteers on Maui joined together with other community groups to participate in a Community Work Day cleanup that was held at a neglected shoreline area approximately 1 mile south of the Sanctuary property. The area is also part of a Hawaiian fishpond. This cleanup effort is part of the Keep America Beautiful initiative.
- Staff from the HIIWNMS and the NWHICRER supported the National Marine Sanctuary Foundation's efforts at the November Little Feat concerts that were held around the state by providing information on the National Marine Sanctuary.
- Sanctuary lectures at the Maui office included over 80 people with blankets and beach chairs for an evening lecture entitled, "A Night Under the Stars: Sea and Sky Unite". Two-time International Award Winning Astronomy writer, Harriet Witt introduced attendees to stars, planets, constellations and the zodiac. Witt also discussed the Hawaiian new year of Makahiki and explained its relationship to the sky and stars. A lecture entitled "Kaho'olawe, Rebirth of a Sacred Island" was also offered as part of the Sanctuary lecture series and Education Center Coordinator, Jerry Stowell provided a lecture that brought in more than 60 people on the sanctuary program and humpback whales.
- In December, Sanctuary Manager Naomi McIntosh and O'ahu Program Coordinator Christine Brammer took part in the grand opening of the Hawaiian Humpback Whale Center at the Waikoloa Marriott, an Outrigger Resort, which was a partnership effort between the National Marine Sanctuary Foundation,

Outrigger Hotels and Resorts, Marriott Hotels, and Ocean Sports. The Sanctuary hosted a booth that featured information on the Sanctuary program and hands-on activities for children, including a “Whale of Fortune” game and the ever-popular humpback whale hats.

- Kauai liaison Jean Souza, education and outreach assistant Sheri Knapp and seven sanctuary volunteers participated in two community events in different locations on Kauai simultaneously on Saturday, December 6. The Kauai anti-drug fair in Lihue drew 45 exhibitors, but only about 100 fairgoers. The annual Hanapepe Christmas Festival on the island’s Westside drew about 2000 in a 10-hour period. Jean Souza also continued efforts to work with local students at Kapaa High School and Chiefess Kamakahelei Middle School
- The headquarters site in Maui held its annual volunteer training. Over 30 volunteers participated in learning information about humpback whales and other marine species within the sanctuary, as well as learning different methods of interpretation.
- Oahu Sanctuary staff visited the fourth grade at Waimalu Elementary School and spent two hours teaching 120 students about humpback whales and the Sanctuary program. This is the third year in a row that the Sanctuary has educated the fourth-graders at Waimalu.
- Program Coordinator, Christine Brammer, and Project Assistant, Carey Morishige, presented a talk and video on humpback whales at the Hawaiian Humpback Whale Center in Waikoloa.
- The Hawaiian Islands Humpback Whale National Marine Sanctuary spent the week of January 26, 2004 to January 31, 2004 celebrating the humpback whales return to Hawai‘i by scheduling various whale education activities throughout the week.

Upcoming Events

- In February, the NMS Education Coordinators from DC and the other sanctuaries will be in Hawai‘i for their semi-annual meeting. In conjunction with their meeting, NMS will be hosting an educators workshop on O‘ahu featuring hands-on demonstrations and sharing curriculum from all sanctuaries and NWHICRER. Funding to allow the sponsorship of neighbor island educators to the workshop is being made possible through a partnership with Hawaii’s Coastal Zone Management Program.
- The Sanctuary staff is busy planning and preparing for many upcoming whale season activities: Sanctuary Ocean Count, Family Sunday at Bishop Museum, Dive Into Education Teacher Workshop, Whale Day at Border's Books and

Music, Kauai Ocean Fair, Sanctuary Lecture Series on all islands, and Marine Conservation Evening.

- Final arrangements are being made to prepare for the February 17, 2004 announcement of SPLASH (Structure of Populations, Levels of Abundance, and Status of Humpbacks), the largest whale study to ever be conducted. The media will be invited to learn more about this exciting research project that will provide invaluable information about the North Pacific stock of humpback whales. Research efforts for this project are now taking place around the Hawaiian Islands.
- Final arrangements are also being made to prepare for the press event for February 10, 2004 by ocean explorer Jean Michel Cousteau to announce a new private/public partnership between Outrigger Hawaii Hotels and Resorts and the National Marine Sanctuary Foundation (NMSF) to support education and outreach activities for NOAA's Hawaiian Islands Humpback Whale NMS. The event will also include the unveiling of NOAA's Interactive Whale Kiosk at Outrigger Reef Hotel. NMSF Executive Jennifer Black, representatives from the NMSP and Outrigger executives are anticipated to attend the event.

RESEARCH

- *David Mattila has been busy preparing for the first season effort of SPLASH.*
- David also responded to two whale entanglement incidents that were reported on Friday, December 26th. The first report was from a commercial tour operator off of the west coast on Kauai. After a repeat sighting on Saturday, December 27, two responders from Kauai launched an effort to locate the whale the next day. They were unsuccessful in their efforts. The second incident occurred off Lahaina on Maui was also reported by a commercial tour operator. During this incident, the entangled whale reportedly appeared to shed the gear on its own.

ADMINISTRATION

- The job for the Maui position has been offered to Patty Miller. Patty is anticipated to start with the Sanctuary in early March. As many of you know, Patty has worked and volunteered her time over the years to support many Sanctuary related education and outreach projects. We are extremely excited to have Patty officially joining our Sanctuary team.
- The HIHWNMS staff participated in the National Marine Sanctuary Program's Communication Training on Maui, November 17-18, 2003.
- Sanctuary Manager Naomi McIntosh participated in a briefing for a delegation of Indonesian officials at the Hanauma Bay Education Program.

- Sanctuary Manager Naomi McIntosh gave a presentation to the Monk Seal Recovery team on the process to identify and evaluate new resources for possible inclusion in the Sanctuary.
- *NOAA Fisheries Enforcement Officers Rick Hawkins and Paul Newman began working out of the Sanctuary office on Maui in early January. Each year, the Sanctuary works with NOAA OLE to ensure that enforcement agents are present on the island of Maui during the whale season to enforce regulations and provide education related to regulations.*

Other

- A public hearing was held by the Department of Land and Natural Resources at the Hawaiian Islands Humpback Whale National Marine Sanctuary Maui site to support the restoration of the Native Hawaiian fishpond located adjacent to the sanctuary's headquarter's office in Kihei, Maui. Sanctuary partner and non-profit, `Ao`ao O Na Loko I`a O Maui, is the applicant for the Conservation District Use Permit to complete this project.
- The Asia Pacific Economic Cooperation (APEC) Marine Debris Seminar held in Honolulu from January 13th to 16th was hosted by the Western Pacific Regional Fishery Management Council and sponsored by the NMSP and NMSF. This seminar is a follow up to the 2000 International Marine Debris Conference hosted by HIHWNMS. The purpose of the seminar was to update all APEC members with the current status of the marine debris issue and to follow up on recommendations from the 2000 conference. The seminar focused on derelict fishing gear and related marine debris. Topics included regional case studies, science and policy, fishing gear and practices, and recovery, ports and disposal. Paul Wong, Program Specialist, attended and represented HIHWNMS.

Attachment # 3

February 2, 2004

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period of September 24, 2003 through February 2, 2004 (Prepared for the February 11, 2004 Council meeting).

New Positions in the State Sanctuary Office

1. *Marine Conservation Specialist* – In mid-November 2003, David Nichols was selected to fill this position after an extensive recruitment and interviewing process. He joins the

sanctuary's state office after working in the Protected Resources Division of NOAA's National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO). David brings a great deal of experience in marine mammal conservation, including stranding response, and education and outreach. During his first few months on the job, David has taken the lead in issuing this year's state (DLNR) humpback whale research permits, and has also assisted initial SPLASH research project activities.

2. *West Hawaii Marine Conservation Coordinator* – The recruitment period for this position has closed, after being extended into January. Several promising candidates have applied for the job, and interviews are expected to be held in early February. We're hoping for an early March start date for our first-ever Big Island-based sanctuary staff person.

3. *Kauai Marine Conservation Coordinator* – Shawn Farry was recently selected for this position. Shawn has extensive experience working with endangered species, including Hawaiian monk seals and California condors. His first official day on the job was January 26, 2004. As discussed previously, this position will assist in monitoring and managing marine protected species around the island of Kauai, especially monk seals. Funds supporting the position are being provided by NOAA-NMFS-PIRO.

State Humpback Whale Research Permits

As of February 2, 2004, the following permits have been issued by the state office for humpback whale research. (Each permittee also holds a NMFS permit.)

DLNR Permit Number	Organization	Contact
SH2004-01	The Dolphin Institute	Adam Pack, Ph.D.
SH2004-02	Hawaii Whale Research Foundation	Dan R. Salden, Ph.D.
SH2004-03	Hawaii Marine Mammal Consortium	Christine Gabriele
SH2004-04	Marine Mammal Research Consultants	Joe Mobley, Ph.D.
SH2004-05	Oceanwide Science Institute	Marc Lammers, Ph.D.
SH2004-06	Whale Trust	Meagan Jones
SH2004-07	Center for Whale Studies	Mark Ferrari
SH2004-08	Tetra Tech, EMI	Ann Zoidis

Education and Outreach

Sanctuary Newsletter – The fifth issue of the newsletter was distributed in late January. This special 8-page issue highlights the Maui sanctuary facility, which is celebrating its 10th anniversary. Copies will be distributed at the meeting.

Hawaiian Cultural Uses Poster – The poster depicting traditional Hawaiian uses and practices that occur (red) in the sanctuary has been re-designed somewhat and has now been approved by the National Marine Sanctuary Program HQ. This final draft will be distributed at the Feb 11 Council meeting for your final comments.

Marine Mammal Public Service Announcements (PSA's)

With funds provided by NOAA-NMFS Marine Mammal Health and Stranding Response Program, the state sanctuary office produced two PSA's advising the public about 1. what to do in case of a stranding or entanglement, and 2. guidelines for responsible marine mammal viewing, including compliance with the 100 yard approach rule ("watchable wildlife"). The 30-sec watchable wildlife PSA ran on KHON for about 2 months, but was pulled in late December, due to concerns that some of the underwater footage of whales might create unrealistic expectations among some viewers. The PSA was re-edited to replace the underwater footage with scenes of children whale-watching from a vessel, but after the tragic death of a child on a whale-watching vessel on Christmas day, it was decided not to run this PSA for a few months. The stranding

response PSA has yet to be approved by NMFS, but approval is expected soon and this PSA should begin running soon on KHON.

Boater Outreach Project

This project has not made much progress since the last report in September. My pre-occupation with other activities including the hiring of new staff has been partially to blame. Council member and Boater Outreach Working Group Chair, Reg White, has continued to offer his support and services, but I have not been able to take him up on his offer. I hope to make this project a priority over the next few months, with the support of Reg, the working group and our new staff members.

Marine Mammal Strandings

DLNR (DOCARE, DAR and KIRC) staff from the Big Island and Maui assisted in the tracking, captures and relocations of monk seal RM34 in October and November 2003, including his final capture in Wailea, Maui and relocation to Johnston atoll during the week of November 17. Kauai-based DOCARE and DAR staff also assisted in recovering the body of the adult male seal, K07, "Lucky," who was found dead near Kapaa on January 16-17, 2004. Lucky was the seal that began begging for food in Nawiliwili Harbor after being fed fish on several occasions. No sign of death was discovered during the necropsy; lab tests results are pending.

Permits, CDUA's, etc.

Through Bill Devick, DAR Administrator, the state office reviewed and offered comments on the draft EA for an open ocean fish cage project in Waianae, Oahu proposed by Ahi Farms, Inc. The EA was being considered for acceptance by the DLNR Land Division in association with a CDUP application and ocean lease request. After discussions with the applicant the Land Division could not accept the EA in the form submitted due to various inadequacies.

The state office is also currently reviewing an EISPN for artificial reef installation of the Carthaginian near Puamana, Lahaina, Maui. The installation is expected to occur outside of humpback whales season.

Program Administration – SPLASH Research Funding

The state office is currently administering the NOAA funds (approx. \$90K) for this year's Hawaii-based portion of the SPLASH project. Eight permitted research organizations are receiving funding through this arrangement.

Meetings, Etc.

- 1) Sept 30 – Attended NELHA Board meeting re office space for new sanctuary Kona staff person.
- 2) Oct 1-2 – Conducted interviews for new marine conservation specialist position.
- 3) Oct 21 – Gave short presentation to the Western Pacific Regional Fisheries Management Council about federal-state sanctuary partnership, state office activities.
- 4) Oct 22 – Attended DOD sponsored "agency meeting" re upcoming projects, issues, etc.
- 5) Oct 28-30 – Attended USFWS project leader training course to learn grants management skills.
- 6) Nov 4 – Attended meeting on Maui re Kihei Facilities Project (proposed multi-purpose bldg at Kihei site).

- 7) Nov 12 – Joined federal staff in meeting with USCG staff re USCG assistance with entanglement response and other on-the-water conservation activities.
- 8) Nov 13-14 – Attended Council retreat.
- 9) Nov 17-18 – Attended sanctuary program's communications/media training on Maui.
- 10) Nov 26 – Facilitated interview with sanctuary's David Mattila by KITV's Gary Sprinkle re SPLASH project.
- 11) Dec 2-4 – Attended NOAA-NMFS Hawaiian Monk Seal Recovery Team meeting as DLNR's representative.
- 12) Dec 9 – Gave sanctuary overview presentation to Honolulu Lion's Club.
- 13) Dec 11 – Joined fellow DLNR staff members in meeting with representatives from Ahi Farms, Inc. re their CDUA for open ocean fish cages off Waianae coast (application subsequently not accepted by Land Div).
- 14) Dec 12 – Gave sanctuary overview presentation at the UH Natural Resources and Environmental Management Department Friday lunch seminar.
- 15) Dec 24-Jan2 – Vacation.
- 16) Jan 6 – Join sanctuary staff in sanctuary overview presentation to new cruise ship employees.
- 17) Jan 6 – Participated in job interviews for Maui sanctuary position.
- 18) Jan 8 – Attended WESPAC meeting reef fish stock assessment workshop planning.
- 19) Jan 29 – Met with Brad Ryon, NMFS-PIRO re new Kauai position.

cc: Peter T. Young, DLNR Chairperson
 Ernest Y. W. Lau, DLNR Deputy Director
 William S. Devick, DLNR-DAR Administrator
 Naomi McIntosh, Sanctuary Manager

Attachment #4

RESEARCH COMMITTEE REPORT
 February 11th, 2004

Marc O. Lammers, Chair

The Research Committee is presently in transition following the resignation of Dr. Paul Nachtigall as the Committee's Chair. Dr. Nachtigall has kindly agreed to remain on the Committee as the Alternate Chair. No meetings of the Committee have taken place since the transition was announced. The Committee's next scheduled meeting will take place following the full SAC meeting on February 11th, 2004. This meeting will focus on formulating new objectives for the coming year and addressing issues/questions raised by the Whale/Vessel Collision Avoidance Work Group Report.

Attachment #5

Kauai County Report
18 May 2004

Walter R. Haas D.V.M, Representative

Accomplishments:

Events Attended:

- Attended Council Retreat Meetings on Oahu in November.
- Spoke with two State Representatives and one State Senator, informing them of my reappointment to the Council.
- A whale lecture following volunteer training

Hot Topics:

- 1) Tour Ship Discharge
- 2) Changing Sanctuary Boundaries

Announcements:

Attachment #6

Hawaii County Report

June, 2003

First Alien Algae Watch Workshop was held at the Kaloko Honokohau National Park , 27 participants. First step to alerting island residents to be aware of potential algae infestations.

Tim Clark reported on his manta ray research at the June ReefTalk, held in Kona.

West Hawaii Fishery Council (WHFC) meeting continued to take public input on spear fishing.

Kawaihae Local Resource Council meeting to discuss issues of concern for that area, review WHFC work and minutes and make comment with respect to issues.

Mokupapapa Discovery Center for Hawaii's Remote Coral Reefs in Hilo developing the education/outreach volunteer phase of this newly built facility.

July 2003

Marine Industry Conference was held, sponsored by Hawaii CC and UH West Hawaii, to bring commercial and recreational ocean resource users together to discuss educational, cultural and networking needs.

Alien and Invasive Species Management Plan review and information for the general public, seeking public input, held in Hilo and Kona.

ReefTalk was held in Waimea, as Susan Reeve Rickhart presented information about spinner dolphin research over the past 5 years.

West Hawaii Fishery Council continued to take public input on spear fishing.

Mokupapapa DCHRCR hosted school and community citizen groups throughout the summer.

August 2003

WHFC meeting worked on strategy for recommendations on gill nets and aquarium fish rule amendments. WHFC members met with Governor Lingle.

Kawaihae Local Resource Council meeting reviewed issues of area concern: harbor maintenance, expansion plans, WHFC work .

National Park Service held a two-day water quality planning seminar for Pacific Island park managers.

Coral Reef Taskforce Public Scoping meeting on fisheries was held in Hilo and Kona.

Doug Perrine, noted photographer and author gave a ReefTalk on turtles of the world. Mr. Perrine's new book on turtles is now available.

ReefWatchers review and training session was held.

September 2003

Dr. Robert Shallenberger gave a ReefTalk on sea birds of Hawaii in Waimea.

Get the Drift and Bag it on the Big Island this year was crowned by a huge debris removal at South Point coordinated by Dr. Bill Gilmartin and his crew.

Second Alien Algae Watch workshop was held in Kamuela.

Submitted by Sara Peck, Hawaii County Representative

Attachment #7

Hawaii County Report 18 May 2004 Sara Peck, Representative

Accomplishments:

November: ReefTalk—December: Reef monitoring at Milolii by students and adults. January: ReefTalk- Chris Gabriele; Sounds of the Whale World (co-sponsored by the Sanctuary). Hookena Middle School students did reef monitoring at Milolii. Taught ReefTeach to Kona Girls Scouts and to West Hawaii Explorations Academy. Taught ReefWatchers training locally and on Maui.

Events Attended:

ReefTalks, trainings, West Hawaii Fishery Council (3 meetings), Local Resource Councils (2 in Milolii, 2 in Kawaihae).

Hot Topics:

Gill net ban state-wide, Kawaihae Harbor's effect on the reef ecosystem and public access to the harbor; Manta ray no-take rule proposed to the West Hawaii Fishery Council; Community based management or co-management is in the legislature now. Land zoning requests and permit requests to direct runoff into Honaunau Bay; Other land use re-zoning issues are always on the radar screen; Proposed cage culture for tuna grow out = back burner, but there .

Announcements:

Please Support the HB 2056 authorizing communities to develop Resource Councils to co-manage their resources.

Attachment #8

**Whale/Vessel Collision Avoidance Work Group
Report and Recommendations
Sanctuary Advisory Council Meeting
February 11, 2004**

The following document represents outcomes from the SAC Vessel/Whale Collision Avoidance Working Group (VWCA) and the Workshop on Management Needs to Minimize Vessel Collisions with Whales.

Premise: Discussions and presentations at the workshop suggested that vessel collisions with whales are not a major problem in Hawaiian waters at the present time, but that the issue should be monitored as the population of whales grow, increased cruise ship traffic, and the introduction of high speed ferries create the probability of , among other issues . Proposals were generated by breakout groups at the workshop focusing on this issue.

1. **ASSESSMENT.** The assessment of a whale-vessel collision concern depends on accurate and complete data.
 - a. Proposals were made for development a more comprehensive database on the occurrence of vessel strikes and “near misses” with whales. Details of the database (e.g., ships striking whales versus whales contacting stationary ships) should be drafted by the SAC research committee.
 - b. Proposals were made that all carcasses of whales at sea or on land undergo proper necropsies to examine for evidence of a collision as the source of death.
 - c. Proposals were made to develop a reporting form that mariners would be equipped with to complete in the case of a whale-vessel collision.
 - d. Proposals were made to develop a method (e.g., anonymous toll-free hotline) to increase the likelihood that mariners will report vessel-whale collisions.
 - e. Proposals were made to develop predictability models by promoting research on whale demographics in different sub-habitats (spatial and

temporal), developing a better understanding of nocturnal occurrence, distribution, and behavior of whales, and integrating this information with whale and vessel distribution and density data.

- f. Proposals were made to change existing approach regulations. There were concerns from ocean user groups about punitive penalties for those reporting a whale strike. This is due to the language of the law that does not differentiate between harassment and incidental contact.

2. EDUCATION. Education can play a key role in decreasing the incidence of whale-vessel collisions.

- a. Proposals were made to task the Education Committee to draft recommendations for implementing a “prudent mariner” program and “Code-of-ethics” to educate boaters and operators about the best practices in whale waters.
- b. Proposals were made to conduct a lecture/discussion for captains and mariners on current findings and trends in whale behavior.
- c. Proposals were made to create a Public Service Announcement to air on television throughout the whale season providing information on the whales taking up residence in Hawaiian waters, the rules for approaching humpback whales, and the dangers of driving boats too fast in whale waters (i.e., video of a whale that has been struck by a vessel).
- d. Proposals were made to provide the individual boater with vital information on the whales and prudent mariner protocols at the time of boater registration.
- e. Concern was raised about the navigation of high-speed ferries in whale-dense waters during whale season.
- f. Proposals were made for high-speed ferries to take alternative routes around the northern areas of some islands to avoid whale-dense areas.

3. CONSERVATION. Conservation can play a key role in identifying new technologies to mitigate the whale-vessel collision issue.

- a. Proposals were made for conservation and or research committees to keep apprised to new technologies available for monitoring whales from vessels.
- b. Proposals were made to keep apprised of ship development and deployment germane to whales in the Sanctuary, with particular focus on cruise ships and high speed ferries.

The Vessel/Whale Collision Avoidance Workgroup respectfully submits the following recommendations for SAC consideration and action. Each recommendation is linked to the overall successful mitigation of vessel/whale contact. The workgroup asks the SAC to consider these recommendations as a complete package and to approve them as such.

RESEARCH COMMITTEE:

- 1. Draft parameters of collision database and assist with developing a monitoring program and methods for most accurate reporting of vessel-whale contacts.
 - ✦ Work with Sanctuary, NOAA Fisheries, U.S. Coast Guard, industry representatives, DLNR staff, the VWCA and ocean users groups.

- ✦ Reporting system should include near misses through fatalities and should reflect necropsy data on stranding deaths.
 - ✦ Important to partner with industry and that industry is integral in development of reporting program. Reporting may best be accomplished through a non-government organization, such as the Ocean Tourism Coalition (OTC).
 - ✦ Prepare a draft budget for database development and implementation as needed.
 - ✦ Request Sanctuary Co-managers to approve budget for implementing whale-vessel collision database and monitoring program in Sanctuary waters.
2. Identify key goals and long-term funding needs to support research relevant to whale-vessel collision issue.
 - ✦ Resources for goals should include reports to the HIHWNMS (e.g., Herman et al., 2003, Lammers et al. 2003) as well as summaries from Sanctuary 2003 workshop and SAC meetings of research committee.
 - ✦ Re-examine research committee priorities and provide current priority list to SAC.
 3. Coordinate with Conservation Committee efforts to work with ferry operators and cruise ship operators (both current and future) to examine potential for near-misses and/or collisions and if necessary (e.g., with upcoming high-speed ferries) work together to develop mitigation measures, such as alternative routes of travel through low density whale areas during times when whales are resident in Hawaiian waters.
 - ✦ Request that a representative from high-speed ferry organization present plans for routes and vessel speed at upcoming SAC meeting.

EDUCATION COMMITTEE

1. Identify and learn about existing educational efforts to mitigate whale-vessel collisions.
 - ✦ Coordinate effort with representatives from the commercial whale watching community, NOAA, USCG, HOST-Hawaii Ocean Safety Team, the research community, ocean tourism, recreational users, other appropriate groups.
2. Develop comprehensive education program to mitigate whale-vessel contacts and collisions.
 - ✦ Partner where appropriate with ocean industry and agencies. If necessary, adopt, modify, or help develop further strategies and recommendations for implementing a “prudent mariner” and “code of ethics” program to educate boaters and operators about the best practices in whale waters around Hawaii (may include PSA, written materials in packets with boater registration, lectures, marine safety bulletins, NOAA marine vessel forecast, notice to mariners, Hawaii fishing news, etc.)
 - ✦ Plan and submit appropriate budget for implementing program to Sanctuary Co-Managers.
 - ✦ Request that Sanctuary Co-Managers approve budget for implementing “prudent mariner” programs.

CONSERVATION COMMITTEE

1. Coordinate with Research Committee efforts to work with ferry operators and cruise ship operators (both current and future) to examine potential for near-misses and/or collisions and if necessary (e.g., with upcoming high-speed ferries) work together to develop mitigation measures (guidelines), such as alternative routes of travel through low density whale areas during times when whales are resident in Hawaiian waters.

- ✦ Request that a representative from high-speed ferry organization present plans for alternative routes at upcoming SAC meeting.

2. Identify existing vessel operations by vessel class, speeds, routes, etc and where needed develop mitigation guidelines for each vessel class.

- ✦ Work closely with Research and Education Committees
- ✦ Partner with appropriate agencies and ocean users

3. Learn about and keep SAC apprised of new technologies for monitoring whales from boats and mitigating whale-vessel strikes.

SANCTUARY MANAGEMENT

1. Solicit information from State and Federal agencies on State and Federal vessel traffic in whale waters in Hawaii and policies regarding encounters with whales.